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6 UNITED STATES DISTRICT COURT FOR THE
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JEROME CEASAR ALVERTO,

10 *Plaintiff,*

11 v.

12 MICHELLE HENDERLING, et al.

13 *Defendants.*

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) CASE NO. 2:18-cv-01380-BJR-BAT
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ORDER (1) DENYING AS MOOT
PLAINTIFF'S MOTION TO
SUPPLEMENT THE RECORD AND
(2) GRANTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT
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16 Before the Court are two motions, (1) Plaintiff Jerome Ceasar Alverto's ("Plaintiff")
17 Motion to Supplement the Record, Dkt. No. 43, and (2) Defendants Michelle Henderling and Shift
18 Lt. Richard Samp's (collectively "Defendants") Motion for Summary Judgment, Dkt. No. 37.

19 As to the first, Plaintiff brought a motion for summary judgment in August of 2019, Dkt.
20 No. 26, United States Magistrate Brian A. Judge Tsuchida provided a Report and Recommendation
21 ("R&R") recommending denying the motion, Dkt. No. 31, and Plaintiff objected to that
22 recommendation, Dkt. No. 34. Plaintiff's current pending motion seeks to amend a citation in that
23 objection. Dkt. No. 43. The Court, however, has already adopted Judge Tsuchida's R&R and
24 denied Plaintiff's motion. Dkt. No. 46. As such, Plaintiff's current pending Motion to Supplement
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1 the Record is moot and will be denied accordingly.

2 Second, Defendants bring their own Motion for Summary Judgment. Dkt. No. 37. Judge
3 Tsuchida has provided another R&R recommending granting Defendants' motion. Dkt. No. 45.
4 Plaintiff both opposes Defendants' motion, Dkt. No. 40, and objects to Judge Tsuchida's R&R,
5 Dkt. No. 47.

6 The R&R lays out the factual and procedural background of this case and of the Motion,
7 which need not be repeated here. Dkt. No. 45 at 1-3, 5-7. The Court has reviewed Defendants'
8 motion, Plaintiff's response, Judge Tsuchida's R&R, and Plaintiff's objections to that R&R, and
9 will adopt the R&R. It is axiomatic that nonmoving parties seeking to avoid summary judgment
10 must identify specific facts from which a reasonable finder of fact could find in the nonmovant's
11 favor. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986). Here, it is clear that whereas
12 Defendants have provided substantial evidence in the form of testimonies supporting a lack of a
13 genuine dispute of material facts, Plaintiff has not provided sufficient evidence to carry his burden
14 in avoiding summary judgment. As such, granting summary judgment is appropriate.
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16 The Court, therefore, orders as follows:
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18 (1) The Court hereby DENIES Plaintiff's Motion to Supplement the Record, Dkt. No. 43,
19 as moot;

20 (2) The Court hereby ADOPTS the Report and Recommendation, Dkt. No. 45, and
21 GRANTS Defendants' Motion for Summary Judgment, Dkt. No. 37;
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1 (3) The amended complaint, Dkt. No. 12, is DISMISSED with prejudice, and the case is
2 closed; and

3 (4) The Clerk of Court shall provide a copy of this Order to Plaintiff.
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5 DATED this 3rd day of March, 2020.

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7 BARBARA J. ROTHSTEIN
8 UNITED STATES DISTRICT JUDGE
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